

REMARKS

Claims 1, 3 and 4 stand rejected under 35 USC §103(a) as unpatentable over Beller in view of Clare. Applicant has amended claims 1, 3, and 4.

It is unclear from the present Office Action how the Examiner is properly combining the two cited references to reject claims 1-5 of the present application. Applicant is assuming that the Examiner is rejecting claims of the present application using Beller as the primary reference. More specifically, Applicant is assuming that the Examiner is modifying Beller in view of Clare. If the above assumption is correct, Applicant would like to respectfully point out that there would be no motivation at all to modify Beller with teachings of Clare.

Beller discloses a bar code scanning and labeling apparatus and a method of providing a modified bar code data form including scanning a bar code to obtain product data, selecting additional data, such as data relating to a sales transaction, from a data storage, combining the product data and the additional data to produce a modified bar code label, and printing the modified bar code label. A modified bar code label that includes sales transaction data is used

to complete product returns. A product returned may be added to inventory.

Contrary to what the Examiner has suggested, Beller fails to disclose a radio frequency product label and radio frequency product label interrogator employed to accomplish product returns as claimed.

The Examiner has conceded that Beller fails to disclose identifying the product from identification information obtained from a memory of a radio frequency product label. Beller further fails to disclose that the identification information identifies the radio frequency product label and is used to lookup product identification information. The bar code data in Beller identifies a product, not the bar code label itself (See Col. 4, line 20).

Clare discloses a radio frequency product label and identifying a product from information obtained from a memory of the radio frequency product label.

One skilled in the art of barcode scanning as taught by Beller would not look to teachings of Clare. The techniques of RFID label identification, as disclosed in Clare, add nothing to Beller's scanning system. Moreover, replacement

of radio frequency product labels for the modified barcode label of Beller would destroy the intended function of Beller's barcode scanning system. Applicant respectfully submits that the rejection of all of the claims of the present application under 35 U.S.C. Section 103 is improper and, therefore, should be withdrawn.

The references also fail to teach or suggest updating the inventory records to reflect not only return of a product to inventory, but also return of a product's radio frequency identification label to inventory.

Claims 2 and 5 stand rejected under 35 USC §103(a) as unpatentable over Beller in view of Clare, and further in view of Junger. Applicant has amended claims 2 and 5.

As noted above, Beller fails to disclose a radio frequency product label and radio frequency product label interrogator employed to accomplish product returns as claimed. Since modification of Beller to replace the modified barcode with a radio frequency product label would destroy the intended function of Beller's barcode scanning system, one skilled in the art would not be motivated to modify Beller to include radio frequency product labels as taught by Clare.

Beller and Clare fail to disclose that the identification information identifies the radio frequency product label and is used to lookup product identification information. The bar code data in Beller identifies a product, not the bar code label itself (See Col. 4, line 20).

Beller and Clare also fail to teach or suggest updating the inventory records to reflect not only return of a product to inventory, but also return of a product's radio frequency identification label to inventory.

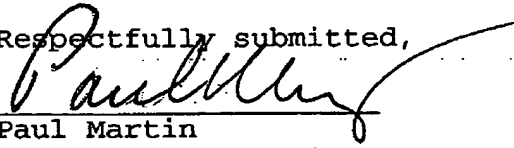
The Examiner has conceded that Beller and Claire fail to disclose determining whether the product was sold by a store.

Junger discloses a local database 8 of transaction information at a particular store and a general database 16 containing sales at the store and other stores. If a return clerk finds no sale information in the local database 8 (for instance if another retailer sold the product), the return clerk checks the general database 16 and the return handled according to store policy. See also Fig. 6.

However, Junger fails to disclose honoring a return only if a product was purchased at a particular store. Junger is concerned with establishing a system for handling returns, not dictating store policy.

Applicant now respectfully requests that the pending claims be allowed.

Respectfully submitted,


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